

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 05-00260 JMS
)	
Plaintiff,)	DECLARATION
)	
vs.)	
)	
JAMES T. LOW,)	
)	
)	
Defendant.)	
_____)	

DECLARATION

I, JAMES T. LOW, hereby declare as follows:

1. I am the defendant in this case and I am proceeding to trial as a pro se defendant;
2. My jury trial has been scheduled to begin on June 6, 2006 before the Honorable J. Michael Seabright, United States District Judge;
3. The court previously granted the government's motion to have me detained without bail on or about June 22, 2005;
4. In a hearing on a previous motion for reconsideration of the court's detention order, Magistrate Judge Leslie E. Kobayashi found that I was not a flight risk;
5. In order to be able to adequately represent myself, I request that I be released for the period of my jury trial into the custody of my Mother, Pearl Low, as a third party custodian, who is also willing to co-sign a bond for my release, on such reasonable and

normal terms and conditions as are appropriate under the Fifth and Eighth Amendments, and applicable law;

4. Releasing me to the third-party custody of my mother would allow me to represent myself adequately as I would have unlimited time to spend preparing my case, I would have access to all writing and research materials to assist me in preparing my defense, and I would be able to dress appropriately and arrive in court without the escort of the U.S. Marshals;

5. If released during the course of the trial, I would be in court all day and when I am not in court will be working on my case at home or at a law library;

6. By being in custody, as is currently the case, I have limited access to the FDC law library and my research materials, I am limited in terms of the writing materials and folders I can have, and I am placed in a cell at about 5:00 a.m. with other inmates without privacy to prepare my case when I am brought to court for a 9:00 a.m. hearing and also have the same lack of opportunity to work on my case when I am returned to the Federal Detention Center after a hearing because of the time-consuming procedures involved in returning me to the facility;

7. I am also very concerned that members of the jury will see me escorted by U.S. Marshals and may even see me in restraints for transportation even before I get to court and will hold the fact that I am in custody against me at trial;

8. I therefore request that in order to allow me to adequately, competently, and fully represent myself at a jury trial, I should be granted pretrial release for the duration of

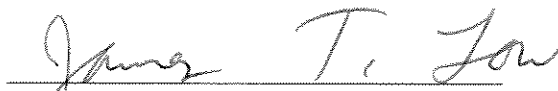
my jury trial proceedings;

9. Such release for such a limited duration, and under conditions of release that the court can closely monitor, would be a minimal imposition upon the government and would protect my constitutional rights under the Fifth and Eighth Amendments, and under applicable law.

10. I therefore respectfully request that good cause exists to grant this motion.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS
TRUE AND CORRECT.

Dated: Honolulu, Hawaii, May 9, 2006.


JAMES T. LOW